IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 23701 of 1997

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Between:

M.Narasimha , S/o. Lachaiah,
R/o. Gattuppal , Chandur Mandal,
Nalgonda District.

..... PETITIONER

AND

-

1 The District Collector, Nalgonda.
2 The Revenue Divisional Officer, Nalgonda.
3 The Mandal Revenue officer, Chandur Mandal, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Direction , Writ or order, one in the nature of Mandamus:- a) declaring the action of the Respondents herein in not paying the amounts which the petitioner is entitled to like provident fund, gratuity and compensation after abolition of part time Village Officers posts in the Year1984, is arbitrary and illegal; b) directing the Respondents to pay the amounts to the petitioner like provident fund, gratuity and compensation w.e.f. from the petitioner's date of appointment i.e., from the year 1964 as per sub-Section 2 of sec. 5 with interest @ 18% per annum; c) granting all consequential benefits d) awarding costs;

Counsel for the Petitioner: MR.M.RAMA RAO

Counsel for the Respondent Nos.1to3: GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue for the respondents. Both have no objection for disposal of the writ petition at the admission stage.

The petitioner was initially appointed as Mali patel in the year 1964 as part-

time Village Officer. After abolition of the said post he has been appointed as Police Patel. It is stated that during his service the authorities deducted certain amounts towards provident fund. After abolition of pat-time Village Officers in the State of Andhra Pradesh under the Act No.8 of 1985 (for short 'the Act'), the petitioner claims to be entitled for the amounts as provided under Section 5 of the Act, at the rate of 1½ on monthly emoluments for every year of total service apart from the Provident Fund and Gratuity as per G.O.Ms.No.1772 Revenue (H) Department, dated 18-4-1980. The grievance of the petitioner in this writ petition is that even after abolition of the part-time Village Officers under the Act, so far he has not been paid the amounts, which were due to him.

In view of the same, the respondents are hereby directed to consider the claim of the petitioner for payment of the said amounts under sub-section (2) of Section 5 and in the light of G.O.Ms.No.1772 dted 18-4-1980, within a period of six weeks from the date of receipt of a copy of this order and intimate the action taken thereon to the petitioner.

With the above direction, the Writ Petition is accordingly disposed of. No costs.

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A. Gopal Reddy, J.

14th September, 2004.

Js.

ASSISTANT REGISTRAR

To

1 The District Collector, Nalgonda.
2 The Revenue Divisional Officer, Nalgonda.
3 The Mandal Revenue officer, Chandur Mandal, Nalgonda District.

4 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad.

5 2 CD copies.